

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Steinman et al.

EXAMINER: Schwadron, Ronald B.

SERIAL NO.: 09/925,284

ART UNIT: 1644

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POR:

ENHANCED ANTIGEN DELIVERY AND MODULATION OF THE

IMMUNE RESPONSE THEREPROM

## DECLARATION UNDER 37 C.F.R. 1.132

COMMISSIONER FOR PATENTS P.O. BOX 1450 ALEXANDRIA, VIRGINIA 22313-1450

SIR:

- I, MICHEL NUSSENZWEIG, hereby declare and state that:
- 1. I am a Howard Hughes Investigator, Sherman Fairchild Professor and Senior Physician at Rockefeller University having received my Ph.D. degree from the Rockefeller University in 1981 and my M.D. degree from New York University in 1982. I received postdoctoral medical and scientific training at Harvard University. My full curriculum vitae is attached hereto as Exhibit A.
- 2. My principal area of research is in Immunology and among other positions I serve as reviewer in numerous funding agencies of many countries, including the National Institute of Health, March of Dimes, Dana Foundation. I also have served as reviewer for numerous scientific journals, and I am the Editor of the Journal of Experimental Medicine and the Journal of Immunologic Methods.
- 3. In the course of my activities, I have been listed as inventor on several patent applications, including the one noted above entitled "ENHANCED ANTIGEN DELIVERY AND MODULATION OF THE IMMUNE RESPONSE THEREFROM", having U.S. Serial Number 09/925,284, which is a continuation-in-part of U.S. application Serial Number 09/586,704, filed on June 5, 2000, which is a continuation of U.S. Serial Number 08/381, 528, filed on January 31, 1995, now abandoned.

- 4. I have reviewed the disclosure of the present application, with particular emphasis on the support in the application as filed for the preparation and generation of antibodies against human and mouse DEC-205 proteins.
- 5. The present application claims a method of enhancing the development of tolerance to a pre-selected antigen for which tolerance is desired in a mammal comprising exposing ex vivo or in vivo dendritic cells from said mammal to a conjugate comprising said pre-selected antigen covalently bound to an anti-human DEC-205 antibody or an anti-murine DEC-205 antibody that blnds to human DEC-205 under conditions that promote dendritic cell quiescence. More particularly, the pre-selected antigen is selected from the group consisting of allergens, autoantigens and antigens participating in allograft rejection. The human DEC-205 protein has a carboxy terminal and amino terminal amino acid sequence as disclosed in the parent application, U.S. Serial Number 09/586,704, filed on June 5, 2000, as SEQ ID NOs.: 1 and 2, respectively. Furthermore, as noted in the parent application USSN 09/586,704, the first 19 autho acid residues of the amino terminal human DEC-205 protein (designated as SEQ II) NO: 13 in the parent application) were used to generate antibodics that reacted with human DEC-205. The sequences from the parent application have now been included in the sequence listing for the present application and are designated as SIQ ID NO: 7 for the carboxy terminal, SEQ ID NO: 8 for the amino terminal, and SEQ ID NO: 9 for the first 19 amino acids of the amino terminal used for antibody generation.
- 6. The subject matter of the present application was based on work performed in my laboratory, whereby the human DF.C-205 molecule was cloned and expressed (Guo, M., Gong, S., Marie, S., Misulovin, Z., Pack, M., Mahnke, K., Nussenzweig, M.C. & Steinman, R.; (2000), A monoclonal autibody to the DEC-205 endocytosis receptor on human dendritic cells, Human Immunology 61:729-738). Anti-human DEC-205 antibodies were then prepared by immunizing animals with the first 19 amino acid residues from the N terminal fragment of the cloned human DEC-205 protein.
- 7. To summarize briefly, the cloning of human DEC-205 was done through use of a cDNA fingment of the 3' portion of mouse DEC-205. This was used to screen a human lymphocyte and thymus cDNA library using standard procedures known to those skilled in the art. In particular, the cDNA fragment of mouse DEC-205 was used to screen a human lymphocyte matchmaker cDNA library (BBV-transformed human peripheral blood B lymphocytes) and a human thymus 5'-stretch plus cDNA library in a Ogt10 vector (Clontech Laboratories, Palo Alto, CA, USA). Positive clones were identified by DNA sequencing on

both strands using Sequenase (United State Biochemical, Cloveland, OH, USA), or the dye determinator kit (PE Applied Biosystems, Foster City, CA, USA) and automated sequencing (Appplied Biosystems model 371). The human cDNAs were expressed in pEF-BOS modified to carry a 3' human Fe fragment that was in frame with the insert. DEC-205 leader, CR domain, and FnII domains were amplified from plasmids by PCR using 5' MG31 primers and 3' MCi35 primers. The 5'-- primer contains a Spel site, while the 3'-- primer contains a Not site and codes for PRR at the junction point of DEC-205 and the Fe tag. The human DEC-205 Pc fusion protein was produced by transfertly transfecting 293 cells using calcium phosphate mediated gene transfer. The fusion protein was purified on protein A sepharose and was then used to inject mice. Following soveral booster injections, the scrum was tested for antibodies that reacted with the CR-FnII domain of the human DEC-205 molecule using Western blot procedures. Afterwards, the spleens were harvested from those animals showing a positive reaction and were fused with SP2/0 cells. The supermatants were screened by ELISA, dot blot, thyrous tissue staining and FACS analysis. Cell clones that secreted antihuman DEC-205 antibodies were further subcloned and expanded.

8. The present application teaches methods for inducing tolerance by conjugating an entigen to a DEC-205 antibody for targeting to the DEC-205 receptor on specific cells, such as dendritic cells, under conditions that promote dendritic cell quiescence. The antibodies that react with the DEC-205 proteins, in particular, the anti-human DEC-205 antibodies, were prepared using the first 19 amino acid residues from the amino terminal end of the cloned human DEC-205 protein, as described in the parent application U.S. Serial Number 09/586,704, and further attested to in this declaration. Thus, it is my belief that the disclosure of the present application provides sufficient written description for a person skilled in the art to prepare such antibodies that react with human DEC-205 protein as presently claimed.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18 of the U.S. Code, Section 1001, and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Dated: 1/3/05

Michel Nussenzweig, M.D., Ph.D.



#### EXHIBIT A

#### **CURRICULUM VITAE**

Name:

Michel C. Nussenzweig

Date of Birth:

February 10, 1955

**Education:** 

1975

B.A. - New York University College of Arts and Sciences

1981 .

Ph.D. - The Rockefeller University

1982

M.D. - New York University School of Medicine

Clinical Training:

1982-1985

Intern & Resident, Internal Medicine

Massachusetts General Hospital

1984-1985

Clinical Fellow, Infectious Diseases

Massachusetts General Hospital

Postdoctoral Training:

1986-1989

Harvard Medical School, Department of Genetics

**Professional Appointments** 

1990-1996

Assistant & Associate Professor, The Rockefeller University

1990-1999

Assistant & Associate Investigator, Howard Hughes Medical Institute

1996-present

Professor & Senior Physician, The Rockefeller University

1999-present

Investigator, Howard Hughes Medical Institute

2000-present

Sherman Fairchild Professor of Immunology, The Rockefeller

Univ.

#### Honors & Awards

Summa Cum Laude, New York University College of Arts and Sciences - 1975; Phi Beta Kappa, New York University College of Arts and Sciences - 1975; Alpha Omega Alpha, New York University Medical School - 1982; Bertram M. Gresner Memorial Research Award, New York University School of Medicine - 1982; Elected Member American Society of Clinical Investigators - 1997, Solomon A. Berson Award for Basic Science - 2002

#### Teaching:

Immunology, Course Organizer

#### Institutional:

Chair, Transgenic Facility Coordinating Committee Chair, Animal Care and Use Committee

Chair, Hospital Seminar Committee

Member, Immunology Search Committee

Member, Institutional Review Board for Biohazards, Radioisotopes, Toxic Chemicals, and

Carcinogens

Member Hospital GCRC Scientific Advisory Committee

Elected Senior Faculty Representative Academic Council

Member, Virology Search Committee

#### **National**

Arthritis Foundation Molecular Immunology study section 1993-1996

NIH Immunobiology Study Section Ad Hoc reviewer 1998, and 1999

NIH ALY Study Section Ad Hoc Reviewer, 1999

NIH NIAID Council Ad Hoc 1998

Organizer Keystone Symposium on Dendritic Cells 1998

Organizer Keystone Symposium on B Cells 1999

March of Dimes Review Committee 1999-

External Reviewer LMGD NICHD 2000

Damon Runyon Cancer Research Fund Review Committee 2000-2002

American Association of Immunologists Program Committee 2000-

NIH ALY Study Section Member 2001-

Organizer Keystone Symposium on B Cell Biology 2003

#### **Editorial**:

1996-Present Editor, The Journal of Experimental Medicine
1999-Present Editor, The Journal of Immunological Methods
2000-Present Transmitting Editor, International Immunology
2002-Present Advisory Editor, Nature Reviews Immunology

#### Consultant:

Abgenix, Fremont, CA Zycos, Lexington MA

#### Professional Memberships:

American Association of Immunologists American Medical Association The New York Academy of Sciences Kunkel Society Harvey Society

#### **Publications:**

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- 5. Steinman, R.M., Witmer, M.D., Nussenzweig, M.C., Chen, L.L., Schlesinger, S.J., & Cohn, Z.A. Dendritic Cells of the Mouse Identification and Characterization. J. Invest. *Dermatol.* 75:14-16. (1980)
- 6. Nussenzweig, M.C., Steinman, R.M., Unkeless, J.C., Witmer, M., Gutchinov, B., & Cohn, Z.A. Studies of the cell surface of mouse dendritic cells and other leukocytes. J. Exp. Med. 154:168-187. (1981)
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- 10. Steinman, R.M., Gutchinov, B., Witmer, M.D., & Nussenzweig, M.C. Dendritic cells are the principal stimulators of the primary mixed leukocyte reaction in mice. J. Exp. Med. 157:613-627. (1983)
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- 14. Morton, C.C., Nussenzweig, M.C., Sousa, R., Sorenson, G.D., Pettengill, O.S. & Shows, T.B. Mapping and characterization of an X-linked processed gene related to mycll. Genomics 4:367-375. (1989)
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- 19. Costa, T., Suh, H-Y., & Nussenzweig, M.C. Chromosomal Position of Rearranging Gene Segments Influences Allelic Exclusion in Transgenic Mice. *Proc. Natl. Acad. Sci. USA* 89:2205-2208. (1992)
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